

Quid Novi

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McGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT UNIVERSITE MCGILL

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le 8 octobre 1986

ANC ACTIVIST TO VISIT MONTREAL

In June 1964 Denis Goldberg was sentenced to life imprisonment in a South African prison.

When he was sentenced, at the end of the Rivonia Trial, Denis was 31. Now he is 53. On Robben Island, Denis joined his comrades Nelson Mandela, Walter Sisulu, Raymond Mhlaba and other "lifers". Since 1971 his wife Esme had not been allowed to visit him despite repeated applications. His mother Annie, who died in 1975 was given permission to visit her son once (after she moved to England) in 1974. And in 1980 his father Sam, who had been his constant link with life outside, died in Johannesburg.

Both Annie and Sam Goldberg were life-long political activists, members of the Communist Party and participants in the national liberation struggle in South Africa since the 1930's when they first came to the country, Annie originally from London, Sam from Lithuania. Denis grew up in Cape Town in an atmosphere of heightened political consciousness, discussion and activity.

At Observatory Boys School, his athletic abilities developed as did his gift for the practical and

scientific. He qualified as a civil engineer at the University of Cape Town and met and married Esme Bodenstein, a champion swimmer and his match in every way. They both joined the Modern Youth Society which attracted young people of all national groups who wanted a change of government based on "one person, one vote". In 1955 Denis was among the founding members of the Congress of Democrats (COD) and was elected Treasurer. At the time, the COD worked for mass support for the Congress of the People, and Denis helped to argue that Western Cape delegates attend the historic Kliptown conference in 1955, arriving despite police blockades,

lorry breakdowns and impediments all the way of the journey.

For those young years, Denis was practical and intrepid. He always believed and made others believe that obstacles were there to be overcome, and his enthusiastic optimism infected those who worked with him. That optimism remained with him through all the horrors of South African prison existence.

In his book "A Healthy Grave" James Kantor describes his first meeting with Denis in Pretoria Maximum Security Prison.

"When we were taken out for exercise I noticed that there was another detainee. The newcomer was a stocky well-built man...and walked in a peculiar way...I heard a metallic noise and with horror realized the reason for his peculiar gait. A length of thick, linked chain ran between his ankles...The chain was some four feet in length and weighed over ten pounds. Although I had never seen him before he smiled at me...."

Again, when Denis was brought to court in chains his spirit was high. Un-

QUOTES OF THE WEEK

Julius Grey in Judicial Review of Administrative Action, commenting on the conservatism in Canadian courts:

"In cases involving big insurance companies, the judge invariably held that it was the child who purposely threw himself under the car to get at the insurance money!"

Cont'd on p. 4



ANNOUNCEMENTS

Course Update - Winter Semester

Because of unforeseen circumstances the faculty is unable to offer the section of Judicial Law & Evidence which was to be taught by Mr. Lemyre.

The new section of Insurance with Mr. Nicholl will be taught on Mondays and Tuesdays - 8:30 - 10:00 A.M.

Necessary changes will be entertained during course change week -- second semester.

L.I.R.G. Thanks You

L.I.R.G. would like to thank all bakers and all those with "sweet teeth" for their support of our Bake Sale.

Proceeds collected totalled \$70.45. This contribution will go to benefit the publication of L.I.R.G. documents on Police Powers and Labour Law!

Open House

Thanks to all those who helped out with Open House. I couldn't have done it without you! Robert Snowdon, Rodney Garson, Holly Cullen and Philip Benstead. Thanks also to Hélène Tessier and Alida Gualtieri for being there!

Maria Battaglia

Party To-Nite!!

at Thomson House at 8:30 P.M.

Black and White Party

You must wear black or white or you will be subject to ridicule and degradation.

Admission: \$1.00

N.B.: The number admitted will be limited to 150 people, so get there early. This maximum will be enforced.

Joe Starnino
Your Social Co-ordinator

Come Meet the LSA Council!

Wednesday, October 8th from 12-2 P.M. in the Common room. Snacks and soft drinks will be served.

Everyone welcome!

LSA Telephone

The LSA has a new telephone number: 392-5509. Messages can be left for LSA Council members at that number.

Forum National - MSS/SEM

Forum National and the McGill Student Society present Claude Dupras, Civic Party candidate to Mayor's Office, Wednesday, October 8,, 3:00 p.m., in the Union Ballroom.

Talmud Class

The Talmud is a compendium of legal discussions which occurred over a period of about 500 years, and which date back some 2000 years. It touches a vast array of subjects including private and public law.

The Talmud class will deal with subjects of general legal interest, using original texts in English translation. Classes will be held every Wednesday. Come check it out!

Wednesday, 1:00 P.M.
Rm. 202

Classes given by Prof. Lawrence Kaplan of McGill's Jewish Studies Department.

EVERYONE WELCOME. NO BACKGROUND NEEDED.

Guest Speaker

Gordon Edwards, from the Canadian Coalition for Nuclear Responsibility, will be speaking on "Nuclear Waste Disposal: the legal and political issues", Wednesday, 12:00, Room 203. Be There! (Sponsored by L.S.R.)

Please Note

You will make the life of the Quid typist much easier if you double space all articles when either writing or typing them.

Thank you very much.

LETTERS

TO THE EDITOR

Dear Editor,

After reading and considering Terry Pether's editorial (Quid Novi, October 1) about the recent visit of Soviet lawyers to our Faculty, I find it necessary to state my fundamental disagreement with his treatment of the basic issues at stake in this matter. In the last sentence of the editorial, Mr. Pether appears to equate questions which address the actual functioning of the Soviet legal system with "uninformed and boring rhetoric." Mr. Pether's principal contention is that such questions are "political" rather than "legal" and are "geared to elicit political debate rather than to elucidate the Soviet legal system." Moreover, he views questions of this sort as unfair because, according to him, they wrongly implicate Soviet law professors "in the activities of their leadership merely because they are Russians."

Mr. Pether seems to have forgotten that what distinguishes a legal order from a concentration camp (which can, of course, be governed by an enormously complex system and hierarchy of rules) is that the former alone is grounded upon the rule of law and not upon rule by force. A system which fails to respect human personality in the formulation and application of its rules may of course generate powerful orders that are complied with for reasons of self-interest. But these are not laws which ought to be obeyed as a matter of moral obliga-

tion. Questions which concern this moral basis of a system -- both in its theory and in its practice -- are thus the legal questions par excellence.

One can readily agree with Mr. Pether that, as lawyers, we should be vitally interested in becoming familiar with the rules of any legal system. But our inquiry must also be directed to the reasons underlying these rules and to their application as part of a living and functioning legal system. It might be possible, even without such investigation and questioning, to be able to recite what the rules say or have said at a certain time and at a certain place, but this would be only a superficial and essentially mindless acquaintance with the laws. It is the farthest thing from knowledge of the laws. Studying the theory and practice of the justice of laws is studying law itself. Even Mr. Pether concedes that "laws" may be "empty words not worth the paper they are printed on."

Mr. Pether is quite mistaken in thinking that questions going to the justice of a legal system are unfair because they hold lawyers responsible for the activities of their political leadership. There is no such implication. Lawyers are not being asked to justify political decisions of their government but rather to explain their roles and responsibilities as key participants in their legal system. It is not like asking us "to account for

why our nation has Indian reservations" but rather like asking us about the legal rights of Indians as compared to other Canadians and about our record, as lawyers, in living up to our responsibilities of protecting and strengthening those rights. Just as rules do not deserve to be called laws unless they respect human personality, so practitioners do not merit the title "lawyer" or "judge" unless they exemplify fidelity to the rule of law. As lawyers, we certainly have a legitimate and vital interest in finding out whether our Soviet counterparts "could do more (which assumes rather glibly that Soviet lawyers are already doing something) for the Shcharansky(s) in their midst." Far from being "confrontational," such questioning shows that we take our chosen vocation seriously.

Finally, the editorial does not merely misunderstand the nature of the issues at stake; it also leaves the reader with the wrong impression as to what actually happened during the session in our Moot Court. There was not -- as there shouldn't have been -- any confrontation. Nor were there any questions which could be reasonably construed as "intentionally provocative." The fact of the matter is that, regrettably, there was simply no genuine discussion. Instead, the presentation began with a cheap rhetorical device of ridiculing -- in order to stave off -- even reasonable criticism of the single most important defect of the Soviet legal system -- namely that law and basic freedoms are at the mercy of the ruling group and that neither the independence of the judi-

Cont'd on p. 7

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FOOD FOR THOUGHT

by Teresa Scassa

Has anyone not noticed that everything in the law cafeteria is covered in plastic? Even the alleged coffee is crowned with a rigid version of the 20th century myth that if it's sealed in a petroleum by-product, it must be fresh.

Apart from being hazardous to the health of those who can't tell the plastic from the food ("I can't believe I ate the whole thing!"), the plastic veneer of hygienic freshness is desperately misleading.

The main point to be made about plastics is that they indicate the existence of a society that has progressed beyond hacking bits of mammoth out of the permafrost for a mid-October snack. Technology today has given us methods of transporting, preserving, heating and preparing food that would dazzle the palate of your average neanderthal.

That our cafeteria has chosen plastic as its only symbolic gesture of welcome to modern civilization is a trifle saddening. That they have done it in such a blunt and unrealistic manner is a tragedy. A plastic wrapping does not turn left-over cow pieces stuffed between aging bread into a meal.

Mind you, neither does idle bitching. That is why the student response to the cafeteria problem is so encouraging. The LSA has set up an ad hoc committee to look into the cafeteria problem. Following a preliminary investigation into the contract, it will become much clearer which lines of action will be most effective. Students

should begin to think about what kind of food they would like to have provided and at what price.

In the interim, don't let yourselves be fooled. Not everything that's wrapped in plastic is food! Unfortunately, the bookstores shortage of certain casebooks would suggest that even some professors are eating their words.

ANC Activist to Visit Cont'd from p. 1

daunted, he waved, smiling and shouting messages to his comrades. For his attempts at escaping he had suffered long spells in solitary confinement without meals.

Letters from his wife had for years on end remained undelivered. Yet an unflagging spirit informed his own letters to his family and to those of his friends whom he was still allowed to write to. While in prison he took 3 degrees with UNISA and kept up with current trends in many fields.

On August 3, 1977, "Denis Goldberg and Seven Others" brought an action against the Minister of Prisons, General Willem du Preez and Brigadier Ferdinand Gericke, for denying them their rights as set out in the Prison Act.

The men had the utmost difficulty in bringing the action. Hiding behind the shield of "state security", the prison authorities placed every conceivable obstacle in their way and constantly threatened them with punishment.

Cont'd on p. 5

ANC Activist to Visit Cont'd from p. 4

In this case, Denis Goldberg's affidavit will remain an important testimony to the conditions under which political prisoners in South Africa struggle. After describing their complaints in detail he stated:

"Since 1964 I have raised the matters complained of with various Ministers of Justice, Commissioners of Prisons and the Commanding Officers, and have even written to the Prime Minister. I have made representations to judges and also to the Commission on Penal Reform which rejected the memorandum signed by several of the applicants on the main ground that it was concerned with 'Penal Reform' and not 'Prison Reform'". (Such an application was also drawn up by Comrade Bram Fischer before his untimely death). In his legal dealings Goldberg reported that he had been refused permission to hand any documents over to his attorney, Mr. Tucker. All information and lengthy statements had to be read aloud to the attorney, and consultations had been prolonged and hampered at every stage. Predictably, the application failed in court.

Denis' dedication to the liberation movement and his sense of personal discipline are salient characteristics responsible for his joining Umkhonto we Sizwe in 1961. He and his mother were detained after the Sharpeville massacre in March of that year. Upon his release from prison, he saw no other alternative than to join the military wing of the ANC. In 1963 he went underground in order to serve on the High Command of MK. When the security police raided the

cottage of the Rivonia house, Denis was there with the leaders. When he was sentenced to life imprisonment in June 1964, Denis shouted to his wife in court: "Life, life to live".

Anyone who came into contact with Denis Goldberg was immediately encompassed by his warmth and compassion. When Bram Fischer was ill, his comrades began to bang on the cell walls in unison demanding that someone stay with Bram overnight in his cell. The person deputed to do so was Denis, the practical, considerate and sensitive fellow prisoner who would know what to do for Bram, at that time already suffering from cancer. Just as Bram had himself been an inspiration to those who witnessed his courage, so had Denis inspired in the younger prisoners who came to Pretoria an admiration and strength of purpose.

Denis Goldberg was recently released from prison. He has been invited to Canada by the International Defence and Aid Fund which provides legal assistance to South African political prisoners and members of the African National Congress.

Professor Chengiah Ragaven, a South African who is on the Board of Directors of the Defence Fund, a veteran of the ANC and a professor of sociology at Concordia University, says that Goldberg's visit to the Hall Building (H-110) at Concordia on October 16 at 2:00 P.M. will offer Montrealers an opportunity to gain first hand insight on the volatile situation in South Africa.

For more information, contact:

Gosnell Yorke at
636-6725
or
Chengiah Ragaven at
848-2140 or 845-2154

Words Of Wisdom

"The best way to get a bad law repealed is to enforce it."

Abraham Lincoln

Reproduced from the book
"Court Jesters" by Peter V.
MacDonald, Q.C.

Mr. Justice R.A.F. Montgomery, of the Court of Queen's Bench of Alberta, tells of a robbery case he tried in Edmonton in June of 1984. The accused was the customer of a very attractive twenty-year old prostitute, who testified at the trial as a Crown witness. Defence counsel cross-examined the woman trying to show how immoral - and presumably how unworthy of belief - she was.

Q: "What were your earnings in August of 1983?" he asked.

A: "Two thousand to three thousand per week."

Q: "Of course, you would declare these earnings in your income tax return?"

A: "No, I did not."

Q: "Why not?"

A: "Because I didn't receive any T-4 slips."

Stupid Questions

Now isn't it true that when a person dies in his sleep, in most cases he just passes quietly away and doesn't know anything about it until the next morning (When, presumably, he reads about it in the paper.)?

LSA COUNCIL MEETINGS

by Bettina Karpel

Another year, another set of LSA Council meetings. And what exactly goes on at these meetings anyway? Well, if you can stand the excitement, the Quid will do its best to keep you informed.

The first meeting of the full Council took place last Wednesday. Things got off to a quick start as the Council elected Tom Friedland as its speaker, congratulated him and before he had time to breathe a thank-you, put him right to work.

Teresa Scassa asked whether there was a way of changing the LSA Constitution's provisions on referenda. Section 25.1 of the Constitution requires a fixed number of students for a majority vote on referenda. Teresa noted that with the declining student population it might be wiser to provide for a percentage majority rather than a fixed-number majority. In order to deal with this problem and any others which might arise concerning the new LSA Constitution (passed last March) a motion was put on the floor to create an ad hoc LSA Constitutional Committee. On second thought, Council members tabled the motion and decided to consider more seriously the mandate that such a committee would have.

Council then ratified the membership of several LSA standing and ad hoc committees and created a Cafeteria Committee, composed of Phillip Pike and Teresa Scassa, to look into upgrading the cafeteria facilities.

Several groups within the faculty were granted official club status. This year official club status is a requirement for LSA funding and any group which has requested funding should make sure that it is officially recognized by the LSA.

Moving at an ever burning pace, Council then heard from David Morley who reported on the progress of the Computer Committee. As

most of you remember, last year the student body voted to allocate \$7,000 from the LSA's accumulated surplus to the purchase of computers for the Faculty. The Dean has since agreed to contribute \$8,000. With the \$15,000 it has, the computer committee recommends the purchase of six "Student PC" computers (at \$1,250 each) and three printers; the remaining

Cont'd on p. 11

Chroniques de film



François Cossette

37,2 Le Matin, de J.-J. Beineix (fr. 1986) Elysée I.

Il est difficile d'écrire quoi que ce soit sur un film de ce genre tellement il est désarmant. Dans son troisième film (après Diva et La lune dans le caniveau), le réalisateur J.-J. Beineix combine son talent exceptionnel pour l'image avec un scénario schizophrénique qui passe de l'humour le plus exquis au drame profond. Le résultat nous laisse un peu perplexe quoique le travail de Beineix soit irréprochable.

Il s'agit en fait d'une histoire d'amour d'un type particulier entre un écrivain qui nie radicalement en être un et une fille prête à tout qui n'a qu'un

but: publier le seul manuscrit qu'il ait jamais écrit. Il s'ensuit une relation cahoteuse alimentée par la folie latente de Betty (la fille) qui se détériorera au fil des séquences (un peu comme dans L'Ecume des Jours de Boris Vian) jusqu'au dénouement tragique de la fin. Le rôle de l'écrivain dépassé par les événements présente beaucoup de similitudes avec celui incarné par Ben Gazzara dans Contes de la Folie Ordinaire. Quoiqu'il en soit, en plus, une toile de fond solide, ce film renferme des qualités indéniables telles qu'une texture d'image superbe, une très belle photo et un sens de l'humour délicieux; l'on sent cependant chez Beineix une crise d'identité qui n'est manifestement pas résolue avec 37,2 Le Matin. Somme toute, un film qui ne laisse pas indifférent, à voir absolument.

P.S. Claustrophobes, évitez les mardis!

Cote: 4/5 (Très bon).

Letters to the Editor

Cont'd from p. 3

ary nor that of the legal profession is respected as a basic principle. The remainder of the session consisted of a series of speeches which documented in detail the "rights" Soviet citizens have in theory and which told us nothing about what they enjoy in reality. In an institution like ours which is under an imperative to treasure and promote critical discussion of any idea and of every legal order, this must be totally unacceptable.

Peter Benson

Dear Editor,

During this past summer I travelled to Nicaragua with a view to doing some free-lance journalism for the Globe and Mail. In the course of many of my interviews I was frequently asked to urge my fellow North American lawyers to help to try to bring into the public debate on Nicaragua a greater awareness of the vast project of constitutional reform currently underway in that country.

As you may know, the present Nicaraguan government established last year a special Constitutional Commission, proportionately represented by all recognized political parties, with a two-year mandate to produce a new Nicaraguan constitution. According to the Sandinista Government, this constitutional project provides conclusive evidence of the Sandinistas' intentions to forge a new, just, pluralistic, and democratic society in Nicaragua. Critics of the Government on the other hand, notably the main opposition parties, have already attacked the first draft Constitution produced by the Commission as clear proof that the Sandinistas

secretly seek to entrench constitutionally all substantial power in the hands of a Sandinista Executive, thereby creating a permanent quasi-dictatorship.

In my own view, the question of where truth lies in this debate is as difficult as it is interesting, and clearly requires an in-depth constitutional analysis of the present draft. The greatest tragedy is that one seldom hears or reads even a word about the whole reform process.

I bring this to your attention because I believe some students may be interested in pursuing the subject further. An essay on this topic would raise challenging issues with both constitutional and international elements. Primary materials could undoubtedly be obtained from the Nicaraguan Embassy in Ottawa or directly from the Government in Managua (though the mail to Nicaragua can take forever).

If anyone is interested in further information, I can be reached:

c/o WHITE & CASE
1155 Avenue of the Americas
New York, N.Y.
10036

Daniel Gogek

Dear Editor

Plusieurs auront été surpris à la rentrée de constater que les fumeurs seront désormais confinés aux anciens locaux de la Revue de droit de McGill. Etant moi-même fumeur, j'accepte malgré tout cette décision démocratique prise dans le but de préserver la qualité de l'air pour tous les étudiants de la faculté. Mais encore faut-il que la solution choisie

résolve effectivement le problème visé. Or, je suis forcé de constater que ce n'est pas le cas ici. En effet, comme les usagers du fumoir ont aussi besoin d'air frais, les fenêtres du local sont constamment ouvertes, ce qui a pour résultat de pousser la fumée dans le corridor où elle est dispersée un peu partout au gré des courants d'air. Et je n'ose pas envisager la situation lorsque le froid hivernal viendra s'ajouter aux écarts de température chroniques que nous subissons quotidiennement dans cette faculté.

Trois possibilités peuvent être envisagées pour solutionner ce problème: 1. On condamne les fenêtres du fumoir; 2. On garde la porte du fumoir constamment fermée; 3. On installe un système de ventilation indépendant pour évacuer la fumée vers l'extérieur. L'opportunité des deux premières options me semblant douteuse, je serais d'avis d'adopter la troisième. Remarquez que l'on pourrait toujours compter sur les trous du plafond pour assurer la ventilation, mais j'ai toujours cru que leur présence était plus décorative que fonctionnelle.

Une question en terminant: est-ce pour que les fumeurs sentent moins qu'on les a isolés dans un fumoir que tous les cendriers ont disparu du local? Enfin, si rien n'est fait pour améliorer le fumoir, nous pourrions toujours nous cacher dans les toilettes!

Denis Godbout

Dear Editor,

In past weeks, there has been much heated discussion (if not condemnation) with

Cont'd on p. 8

How to Make Money and Influence People

by Jason Mogg

Win the lottery? Kill your rich uncle? You're a washed-up-but-aspiring-to-be-recycled-Liberal-hack who is thinking about writing your memoirs. (Stuck for a title? Why not call it "The Bullmaker", "Straight from da Lip" or "Up the Creek"? "Well, no" you thinks, "my friends would never talk to me the same again".

Hmm, well maybe you might consider getting elected Speaker of the House of Commons, marrying Ronald Reagan or becoming Gary Carter's new hairdresser.

"But that's not it either", you think "the conversation would be more intelligent on Romper Room, and the sex would probably not approach anything I've seen at the botany laboratory, and, besides, who wants to deal with the creeps who write for the Journal de Montréal.

Perhaps you could manufacture plutonium day-glo hairspray, or wrassle gators in Alabama or finetune the theory of relativity;. But it's understandable that this would leave you unsatisfied. The question "Would I really be contributing to the national economy?" would undoubtedly plague you.

Well, you could win fame and fortune in any of these ways (and I just know that at least some of you are itchin' for the day ole Nancy pops off). Or you could be (ugh) conventional. C'mon now,

you know it's gotta happen some time. You know your mother was right. You'd better GET A JOB!

"No sweat!" you think. Well, that ain't necessarily so. Should you wear white socks to the interview? Will they go with the yellow polka-dot ties and your hard-line orthodox Marxist ideologue views? More importantly, will they match the wallpaper at McCarthy and McCarthy?

The answers to those questions and many more concerning the serious business of securing yourself a future beyond law school can be found in Peter Hoffman's debut publication entitled The Career Handbook for Law Students, now available at the bookstore. Seriously folks, if you contemplate any kind of future after law school (although the book has a decidedly corporate-commercial law firm slant) this book amply prove invaluable for you, and certainly well-worth the \$5.00 price. Mr. Hoffman has done a commendable job in gathering information and compiling it in this guide. It is a long-overdue service to McGill law students, towards whom it is especially geared. You will find in it a wealth of very practical information about articling, bar schools, specific law firms, the interviewing and application processes and extra-legal careers. Because this book is made for McGill students, it provides detailed information on career possibilities in every jurisdiction in Canada and the United States.

So in light of the facts that 1) Ronald Reagan will probably croak before Nancy; 2) the M.P.'s have no intention of working another eleven hour day in their lives and; 3) the Mets always give their M.V.P. a curling iron, buying Hoffman's book might well be the brightest thing you've done since you sold your shares in Dome Petroleum.

P.S. The Author informs me that on his next tour of the area he will be more than happy to personally autograph your copy.

Letters to the Editor Cont'd from p. 7

regard to the quality of food offered to the students by the cafeteria. The LSA would like you to know that your cries have not gone unnoticed and that steps have been taken to rectify the situation. In an effort to silence the lamentations of ill-fed students, a Cafeteria Committee, consisting of Teresa Scassa (who else?) and Philip Pike, has been established. The Committee will be reporting to the LSA Council on a monthly basis and their findings will be duly transmitted to you via the Quid Novi. Any comments or suggestions should be addressed directly to either Teresa or Philip.

Maria Battaglia

Le Code de Hammourabi (3ème partie)

Les contrats.

42. Si un homme a pris à ferme un champ pour le cultiver et si dans ce champ, il n'a pas fait pousser de blé, on le convaincra de n'avoir pas travaillé le champ, et il donnera au propriétaire du champ selon le rendement du voisin.

43. S'il n'a pas cultivé le champ et l'a laissé en friche, il donnera du blé au propriétaire selon le rendement du voisin, et le champ qu'il a laissé en friche, il le rompra en terre cultivée, l'ensemencera et le rendra au propriétaire.

44. Si un homme a pris à ferme pour trois ans une terre inculte pour l'ouvrir s'il s'est reposé et n'a pas ouvert la terre; - la quatrième année il devra la rompre en champ labouré, louer et semer et rendre au propriétaire, et lui mesurer 10 gur de blé par 1 bur de superficie.

45. Si un homme a affermé son champ à un laboureur pour un revenu et s'il a déjà reçu ce revenu, quand ensuite un orage inonde le champ et emporte la moisson, le dommage est pour le laboureur.

46. S'il n'a pas reçu le revenu de son champ, et s'il avait affermé pour moitié ou tiers, propriétaire et laboureur partageront proportionnellement le blé qui se trouvera dans le champ.

48. Si un homme a été tenu par une obligation productive d'intérêt, et si l'orage a inondé son champ et emporté la moisson, ou si faute d'eau, le blé n'a pas poussé dans le champ - dans cette année, il ne

rendra pas de blé au créancier, trempera dans l'eau sa tablette, et ne donnera pas l'intérêt de cette année.

49. Si un homme a emprunté de l'argent d'un négociant, et a donné au négociant un champ cultivable en blé ou sésame en disant "cultive le champ, récolte et prends blé ou sésame qui s'y trouveront", quand le cultivateur aura fait venir blé ou sésame dans le champ, lors de la moisson, le maître du champ prendra blé ou sésame qui s'y trouveront, et donnera au négociant du blé pour l'argent, les intérêts de celui-ci et les frais de culture.

50. S'il s'agit d'un champ de blé cultivé ou d'un champ de sésame cultivé et qu'il a donné au négociant, le maître du champ prendra le blé ou sésame qui se trouve dans le champ, et rendra argent avec intérêts au négociant.

51. S'il n'a pas d'argent pour restituer, il donnera au négociant du sésame, ra selon le tarif du roi, pour la valeur de son argent avec intérêts, emprunté au négociant.

52. Si le cultivateur n'a pas fait venir dans le champ blé ou sésame, il (l'emprunteur) n'annule pas (pour cela) ses obligations.

60. Si un homme a donné à un jardinier un champ pour être aménagé en verger, si le jardinier plante le verger, et le soigne pendant quatre ans - la cinquième année, maître du verger et jardinier partageront à parts égales; le maître du verger déterminera la part qu'il prendra

64. Si un homme a donné son verger à exploiter à un jardinier, pendant que ne celui-ci soigne le verger, il donnera au propriétaire deux tiers du rapport du verger et prendra lui-même un tiers.

?. (non numéroté) (d'après Cug (E.)), Notes d'épigraphie et de papyrologie juridiques, Nouvelle Revue historique de Droit français et étranger, 1980, p. 478).

Si quelqu'un a emprunté de l'argent chez un négociant et si ce négociant l'a pressé, et si de quoi rendre il ne lui est pas, (mais) son verger, de la plantation au négociant a offert et (des dattes tout autant dans le verger qu'il s'en trouve, pour ton argent prends-en), lui a dit - ce négociant s'il ne consent pas, les dattes qui dans le verger se trouvent, le propriétaire du verger (les) prendra - argent et intérêts selon la teneur de sa tablette au négociant rendra, et les dattes excédantes qui dans le verger se trouveront, le propriétaire du verger (les) prendra.



Placement Centre

QUEBEC

This being the first submission to the Quid Novi from the Placement Centre, Mr. André Lemieux and Mrs. Suzanne Higgins welcome new students to the Faculty and welcome back the returning students. For those of you who are not aware, the Faculty of Law maintains a very active Placement Centre which is situated in Room 109 of the annex of OCDH. The postings received from various law firms, businesses, Federal and Provincial authorities, clerkships, etc. for employment opportunities for law students are posted there. A comprehensive study was prepared this summer of legal firms in Quebec, and the product of this study should be available in the near future. Records are maintained also of positions available with many legal firms in Canada. These files are kept and are available to students through the Admissions Office, Room 14, OCDH. Short seminars are presented from time to time by Mr. André Lemieux on curriculum vitae preparation and students are asked to check with Mrs. Higgins in the Admissions Office as to the schedule for these seminars. A Career Day is normally held during the academic year whereby law firms are represented and provide information to students interested in doing stages with the various firms. The date for this year has not as yet been established, but the details will be announced as soon as they become available. Students are invited to feel free to visit the Placement Centre and to see Mr. Lemieux or Mrs. Higgins should they require further information.

BRISSET BISHOP DAVIDSON have an opening for a student seeking a stage commencing May 1988. They seek someone who has an interest in Maritime and Commercial Law. Bilingualism a definite asset. Curriculum Vitae should be forwarded to Mr. Robert Cypriot before October 15, 1986. Refer to Posting #5.

Applications are presently being considered by PASCAL, GARONCE, COHEN, DEVINE & LEITER from students in their penultimate year who are seeking an articling position commencing May 1988 and possibly employment during the summer of 1987. Interested students should forward to Mr. Marc Ian Leiter their C.V.'s and transcripts of their marks. Refer to Posting #10.

The firm of SPIEGEL, SOHMER is presently accepting applications from law students commencing their 2nd, 3rd or 4th years of law school regarding: part-time for academic year 1986/87, summer 1987, stagiaire 1988. Interested persons should forward C.V.'s and marks to Ms. Katrin Nakashima. Refer to Posting #11.

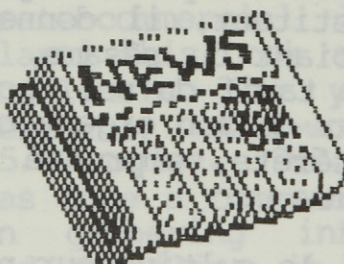
Third and fourth year students are invited to submit their application for a summer 1987 position and stage 1988 with the firm of GASCON, GIBSON, LAROSE. Refer to Posting #11.

ONTARIO

The firm of PARISIEN-MICHAUD is seeking a stagiaire for 1987/88. This Hawkesbury, Ontario firm is

Cont'd on p. 11

P O T P O U R R I



Montreal lawyer Emile Colas has joined the anti-abortionists in their fight against Justice Minister Herbert Marx. He will invoke constitutional arguments in an effort to annul the stay of proceedings effected by the minister. Colas has previously represented Ontario's francophones on constitutional issues and helped found the Montreal Legal Aid Bureau.

- South Africa's highest court ruled that the indefinite detention of thousands of people, held without charge, was legal. In a state of emergency, the Court held that President Botha in invoking the Public Safety Act, did not exceed his constitutional powers.
- In Kapuskasing, Ontario, two residents are challenging the validity of a municipal by-law that declares the town to be bilingual. Hiring policy now considers bilingualism an asset where the position requires contact with the general public.

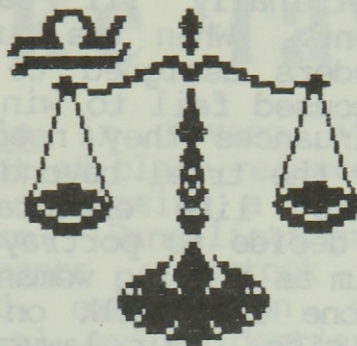
LSA Council Meetings Cont'd from p. 6

money is to go towards the repair and upgrading of the existing Apple computers. Gary Bell added that the Committee consider the possibility of having a French keyboard for one of the computers.

The discussion continued with the report of the V.P. University Affairs, François Longpré. François mentioned that he was busy on the McGill Students' Society Council, particularly because of an issue concerning a proposed hike in tuition fees. The proposal to increase fees by \$500 a year until 1990 when fees will be at \$2,500 a year is the subject of a joint MSS-McGill University Administration brief which was presented to the government and which will be discussed in the very near future. Although all other university student organizations have opposed such a fee hike, MSS has decided to go along with the proposal and thus has created quite a bit of commotion. François proposed that the LSA Council adopt a motion stating firmly that the LSA disassociates itself completely from MSS's endorsement of the proposal. There was much discussion among Council members on the importance of access to education and the belief that McGill must not become an elitist institution. Despite the fact that Council members would have liked to make a positive contribution to the proposal (for example, by suggesting means of ensuring that any fee hikes are refunnelled into the university and that financial aid is adjusted to the higher fees) there was no time to do so since the joint brief will be discussed very soon. The motion to disassociate ourselves

completely from the brief was passed almost unanimously.

At this point, Council ran out of time (and patience) and it was quickly decided that the LSA Budget Meetings would be held on Tuesday, October 14th beginning at 7:00 P.M. and Wednesday, October 15th from 12-2 P.M.



PLACEMENT CENTRE Cont'd from p. 10

a general practice law firm. They require a bilingual candidate who must have an automobile. C.V.'s should be forwarded to Me Michel Parisien a.s.a.p. Refer to Posting #8.

NOVA SCOTIA

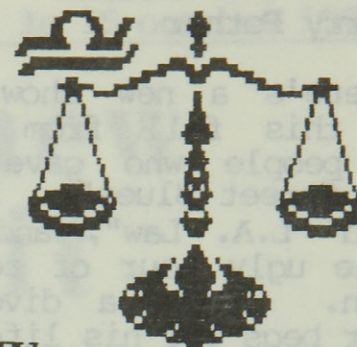
An updated resumé of the firm MacINTOSH, MacDONNELL & MacDONALD of New Glasgow has been placed in the Centre.

NOTICE

Once again this year the Law Institute of the Pacific Rim is accepting nominations for the Australian Summer Program. Our Faculty has been invited to participate in the competition for places in the summer 1987 program. This program offers law students an opportunity to gain legal working experience during the summer in Australian law firms. Second, third and fourth year students are invited to submit their C.V.'s, transcripts and applica-

tions to Mr. André Lemieux (Admissions Office) no later than November 12, 1986.

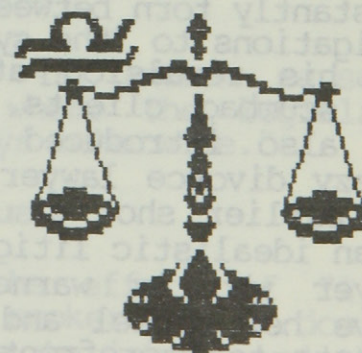
Suzanne Higgins
October 2, 1986



REVIEW Cont'd from p. 12

trap of a man's body. MacKenzie just notes that Chaney always was "a little different". The secretary is fired.

So there we have it! Just like "Hill Street Blues", "L.A. Law" pretends to be gritty and realistic. And just like "Hill Street Blues", it suffers the same fate. Although the show does present some relevant legal issues, it does so with plots and characters and settings that are simply too absurd. There is so much reality crammed into a day in the lives of the lawyers at MacKenzie, Breckman & Chaney that the show ultimately becomes fake. What a depressing encounter with the tube "L.A. Law" is. I'd rather watch "Matlock".



L.A. LAW - 0, MATLOCK - 1

by Terry Pether

There's a new show on T.V. this fall from the same people who gave us "Hill Street Blues". It's called "L.A. Law", and it is one ugly hour of television. While a divorce lawyer begs for his life in front of a starter pistol brandished by an unsatisfied client and his secretary runs about the office poisoning the air with Lysol spray, a senior partner (Chaney) of MacKenzie, Breckman and Chaney lies rotting face first in a plate of microwaved slop. Apparently, he suffered a heart attack over the tax code sometime during the weekend.

But life goes on in the trendy offices of this firm, the setting for "L.A. Law". One jerk (the character we're weekly supposed to despise) is only concerned about who gets the recently vacated office and about who is going to finish the lucrative Lewis audit. Another fellow wants to know why the secretaries are not invited to the boss' party. He is told that "that's what company picnics are for". This is the handsome young criminal lawyer who will be constantly torn between his obligations to "the system" and his revulsion at his own scumbag clients. We are also introduced to a sleazy divorce lawyer (the one earlier shot at) and to an idealistic litigation lawyer who is warned to leave her nickel and dime clients to storefront lawyers in polyester suits. These lawyers' cases occupy most of the show.

The criminal lawyer is ordered by his firm to defend the strung-out son of a rich client. This spoiled brat considers "totally bogus" charges that he and two others raped, beat, sodomized and threw into a garbage dumper a terminally ill cancer patient. When the public defenders assigned to the co-accused fail to win the continuances they need to delay the trial beyond the witness' life expectancy, they decide to portray the victim as a dying woman out for one last walk on the wild side. Our lawyer is disgusted. His colleagues retort comfortably, "Hey! We're not the Red Cross."

The divorce lawyer manages to transform his client's amiable divorce settlement into a bitter financial squabble. Unable to accept that any divorce is friendly and convinced that he will be thanked later, this smoothy's strategy is to take his client to lunch (he'll subsequently bill her) in a restaurant where she cannot scream when he presents her with the evidence from the private investigation he took upon himself to engage. The evidence, in this case, consists of photos of her husband sixty-nining by the pool and doctored statements of income. Of course, Mr. Infidelity agrees to a more generous settlement after his wife screams at him to "chew on those numbers you impotent piece of snot!"

Finally, the litigation lawyer goes after an insurance company that refuses to pay for the treatment of a mother who is eventually hospitalized for a brain tumour

operation. It is her intention to establish a causal link between that serious ailment and the insurance company's heartless lack of coverage. This dedicated lawyer has no life outside of the office. She is proud to confront the pigheaded insurance company official who declares his hatred for "butch lady lawyers".

These three cases are the show's sub-plots, woven together only by the mutual professional cynicism and personal crises of the lawyers. The firm's most senior partner, MacKenzie, is the only breath of fresh air in the otherwise gloomy atmosphere that pervades the office. His wise counselling and serene manner are exclusively responsible for holding together a firm whose partners and associates are constantly at each others' throats.

Still, nothing phases these people. For example, everybody just stands around and cracks jokes while Chaney's wide-eyed corpse is removed awkwardly from the premises, having long since stiffened to a slouched over seating position. And at the dead guy's funeral, MacKenzie sums up the life of his expired friend in one word - "fiduciary". Then a tearful secretary who had met Chaney in a gay bar comes forward to praise the hitherto-unknown-to-be homosexual for his courage and kindness in metaphorically coming to terms with his own confused sexuality by bankrolling the "operation" that released this tall and deep-voiced woman from the

Cont'd on p. 11